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FACSIMILE TRANSMITTAL SHEET

TO: M/S APPEAL BRIEFS - PATENTS	FROM: Jeffrey R. Joseph
COMPANY: USPTO	DATE: December 19, 2005
FAX NUMBER: (571) 273-8300	TOTAL NO. OF PAGES INCLUDING COVER: 19 pages
PHONE NUMBER:	SENDER'S REFERENCE NUMBER: Intel 2207/11234
RE: Serial No.: 09/895,768	YOUR REFERENCE NUMBER: Group Art Unit: 2672

☐ URGENT ■ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ CONFIRMATION

☐ ORIGINAL WILL FOLLOW ■ ORIGINAL WILL NOT FOLLOW

Notes/Comments: **APPEAL BRIEF**

1. Fax Cover Sheet (1)
2. Fee Transmittal Form (and one copy) (2)
3. Appeal Brief (18)

Total: (21) pages

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Dated: December 19, 2005

Signature: Pilar Rodriguez
Pilar Rodriguez

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) **500.00**

Complete If Known	
Application Number	09/895,768
Filing Date	June 29,2001
First Named Inventor	Michael H. CHU et al.
Examiner Name	Jin Cheng WANG
Art Unit	2672
Attorney Docket No.	Intel 2207/11234

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
				SUBTOTAL (1)	($) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims		-21 **	=	X		=	
Independent Claims		-3 **	=	X		=	
Multiple Dependent				X		=	

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 0.00

***or number previously paid, if greater; For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500.00
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive – unavoidable	
1453	1,500	2453	750	Petition to revive – unintentional	
1501	1,400	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	860	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) 500.00

SUBMITTED BY				Complete *(if applicable)*	
Name (Print/Type)	Jeffrey R. Joseph	Registration No. (Attorney/Agent)	54,204	Telephone	(408) 975-7500
Signature				Date	December 19, 2005

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Pilar Rodriguez

Patent

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Attorney Docket No.: Intel 2207/11234
Serial No.: 09/895,768
Assignee: Intel Corporation

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS	:	Michael H. CHU, et al.
SERIAL NO.	:	09/895,768
FILED	:	June 29, 2001
FOR	:	METHOD FOR THE MINIMIZATION OF ARTIFACTS IN FULL FRAME ANIMATIONS TRANSFERRED TO NTSC INTERLACED VIDEO
GROUP ART UNIT	:	2672
EXAMINER	:	Jin Cheng WANG
CONFIRMATION NO.	:	6925

M/S: APPEAL BRIEFS - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION
I hereby certify that this Appeal Brief is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on December 19, 2005.
Peter Rodriguez

APPEAL BRIEF

Dear Sir:

This brief is in furtherance of the Notice of Appeal, filed in this case on October 19, 2005.

1. REAL PARTY IN INTEREST

The real party in interest in this matter is Intel Corporation. (Assignment recorded June 29, 2001, Reel/Frame 011964/0226).

page 3 is missing.

2. RELATED APPEALS AND INTERFERENCES

There are no related appeals.

3. STATUS OF THE CLAIMS

Claims 1-15 and 19-29 are pending in this application. Claims 1, 4-7, 15-18, and 19-26 were rejected under 35 U.S.C. §102(b). Claims 2, 3, 8-14, and 27-29 were rejected under 35 U.S.C. §103(a). This appeal is an appeal from the rejection of claims 1-15 and 19-29.

4. STATUS OF AMENDMENTS

There were no amendments entered subsequent to final rejection.

5. SUMMARY OF THE CLAIMED SUBJECT MATTER

The embodiment of independent claim 1 of the present invention generally describes a method comprising: rendering of full frames at a whole number multiple of a digital video resolution value (*see eg.* page 3, lines 4-5) defining the number of pixels contained in each frame and at a whole number multiple of a temporal resolution value defining the rate of display of full frames on a computer screen (*see eg.* page 3, lines 9-10); resizing each full frame to produce a plurality of frames that are antialiased (*see eg.* page 3, lines 10-page 4, line 10); and blending each consecutive frame (*see eg.* page 4, line 10-page 16).

The embodiment of independent claim 2 of the present invention generally describes a method comprising: rendering of full frames at a whole number multiple of a digital video resolution value (*see eg.* page 3, lines 4-5) defining the number of pixels contained in each frame

and at a whole number multiple of a temporal resolution value defining the rate of display of full frames on a computer screen (*see eg.* page 3, lines 9-10); resizing each full frame to produce a plurality of frames that are antialiased (*see eg.* page 3, lines 10-page 4, line 10); blending each consecutive frame (*see eg.* page 4, line 10-page 16); blending the colors and images depicted in pixels that are within a gaussian blur radius value of a center pixel, wherein the number of pixels blended is proportional to a gaussian blur radius (*see eg.* page 4, lines 17-20); separating each frame into a first and second field, wherein the first field contains the even lines of a frame and the second field contains the odd lines of a frame (*see eg.* page 5, lines 13-15); and alternately displaying the first and second fields of each frame, the first field of each frame with the second field of each frame (*see eg.* page 5, lines 13-15).

The embodiment of independent claim 19 generally describes a video conversion system, the system comprising: a computer terminal defining the number of pixels contained in each frame of full frames that are rendered at a whole number multiple of a digital video resolution value and that are rendered at a whole number multiple of a temporal resolution value defining the rate of display of full frames (*see eg.* page 3, lines 4-11); and a computer screen attached to said terminal.

FIG.1 illustrates a flowchart of the method embodied by the present invention.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Are claims 1, 4-7, 15 and 19-26 anticipated under 35 U.S.C. § 102(b) by Adobe Dynamics Media Group, "A Digital Video Primer", pp 1-31; June 2000 (hereinafter "Adobe-Dynamics-Media-Group")

B. Are claims 2, 3, 8-14, and 27-29 rendered obvious under 35 U.S.C. § 103(a) by Adobe-Dynamics-Media-Group in view of Demos U.S. Patent No. 6,442,203 (hereinafter Demos).

7. ARGUMENT

Claim 1

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by Adobe-Dynamic-Media-Group. In order for a prior art reference to properly support a 35 U.S.C. § 102(b) rejection, every element of the claimed invention must be identically shown in a single reference, and "the elements must be arranged as required by the claim." MPEP 2131; *see also In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Additionally, a prior art reference cannot anticipate unless it is enabling, meaning it must describe Applicants' invention in sufficient detail to put a person of ordinary skill in the art in possession of the invention. *See In re Spada*, 911 F.2d 705, 15 U.S.P.Q.2d 1655 (Fed. Cir. 1990). Adobe-Dynamics-Media-Group does not show the elements of claim 1 arranged in the same manner as claim 1, and it does not enable one of ordinary skill in the art to practice Applicants' invention as embodied in claim 1. Adobe-Dynamics-Media-Group, therefore, does not anticipate claim 1.

Adobe-Dynamic-Media-Group merely provides an overview of various functions that can be performed with desktop software. Examiner has attempted to read Applicants' claimed invention on Adobe-Dynamic-Media-Group by finding random functions of various software packages that teach the individual elements of claim 1, but Adobe-Dynamic-Media-Group contains no support for piecing any of these various functions into a method.

For example, Adobe-Dynamic-Media-Group points out that resizing can be performed with desktop software, but it does not teach resizing as being an operation in a method. The difference between what Adobe-Dynamics-Media-Group discloses and Applicants' claim is apparent from the Examiner's mischaracterization of Applicants' claim element. On page 3 and 6 of the office action dated April 22, 2005, Examiner states that Adobe-Dynamics-Media-Group teaches the claim limitation of "resizing a full frame to produce one of a plurality of frames that are antialiased." By contrast, Applicants' actual claim contains the element "Resizing each full frame to produce a plurality of frames that are antialiased." The wording of Applicants' claim makes it clear that resizing is a part of a method and is being done to frames that have been previously rendered "at a whole number multiple of a digital video resolution value defining the number of pixels contained in each frame and at a whole number multiple of a temporal resolution value defining the rate of display of full frames on a computer screen." The section of Adobe-Dynamics-Media-Group cited by Examiner does not link the resizing of the frames to the rendering of the frames which is necessary in order to teach the method of claim 1.

Similarly, Adobe-Dynamics-Media-Group does not teach "blending each consecutive frame" in the context of a method. The section cited by Examiner reads as follows:

> There are three different frame types in MPEG-2. These are known as I, P, and B frames. I stands for "intraframe" encoding and works just like a DV frame of video. The P frame is a "predicted" frame. It is compounded from the frames previous to it. B is for "bi-directional" frame. This means that not only is the B frame computed from previous frames, it can also use frames that come after it. More data must be preserved to describe I frames, making them the "largest," whereas P frames can be less than a tenth of that size. B frames are the smallest. Because the P and B frames are calculated from the I frames, you can't just have one I frame and the rest P's and B's. There must be I frames interspersed or else the accumulated error becomes too great and the image quality suffers.

This does not teach blending consecutive frames that have been rendered and resized as recited in claim 1. Adobe-Dynamic-Media-Group makes no mention of how the frames were rendered or that the frames were resized before being converted to I, B, and P frames. As with the other elements of claim 1, Examiner is taking random pieces of the reference and reading them on the claims' elements but is ignoring the fact that these pieces are not arranged in the same manner as in the claim and do not enable one of ordinary skill in the art to practice Applicants' invention, both of which are necessary requirements for a reference to anticipate a claim under 35 U.S.C. § 102(b).

In addition to failing to teach a method, the portion of Adobe-Dynamics-Media-Group cited by Examiner, does not even teach the claim element of "blending each consecutive frame." Neither I, B, nor P frames are blends of "each consecutive frame." An I frame is not blended at all, and a B frame is predicted from frames both before and after it. Adobe-Dynamic-Media-Group states that "P and B frames are calculated from the I frames. . . ." The example provided on page 12 of Adobe-Dynamic-Media-Group only shows 3 of 30 frames being I frames. The IPB formats cited by the Examiner are therefore not blends of "consecutive frames."

Adobe-Dynamic-Media-Group's failure to teach a method is even more apparent when the functions cited by Examiner are looked at in their context. The description of resizing cited by Examiner is on page 7 of Adobe-Dynamics-Media-Group under the topic Video Basics and the sub-topic Types of Compression. The function of frame blending, which Examiner claims teaches Applicants' blending element is taught on pages 11 and 12 under the topic DV Technology and the sub-topic What is MPEG-2. Examiner claims that these two elements teach Applicants' method, but they appear in completely unrelated sections of the reference, and there

is nothing in the reference leading one of ordinary skill in the art to use them in the manner claimed by Applicants.

Applicants submit that Adobe-Dynamic-Media-Group in fact teaches away from combining the various functions of these software programs into a method. Adobe-Dynamic-Media-Group teaches that resizing and frame blending are compression techniques that reduce amounts of data, but as a result also reduce video image quality. "The goal of compression is to reduce the data rate while still keeping the image quality high." (Adobe-Dynamic-Media-Group, page 7). "Because the video is compressed, it is possible for there to be visible degradations – known as compression artifacts." (Adobe-Dynamic-Media-Group, page 11). Applicants' disclosure teaches resizing and frame blending as part of a method that reduces artifacts. Additionally, when speaking about resizing frames, Adobe-Dynamic-Media-Group states that "[t]hese simple compression schemes won't work, however, if we want our video to be displayed on a television monitor at full resolution and frame-rate. What we need is another way of approaching the compression problem." (Adobe-Dynamic-Media-Group, page 7). Since Applicants' claimed invention is a method for converting animation into video with interlaced fields, this explicitly teaches against the Applicants' claimed invention.

In conclusion, Applicants assert that Adobe-Dynamics-Media-Group does not enable one of ordinary skill in the art to practice Applicants' invention, does not teach the elements of Applicants' claimed invention in the same arrangement as Applicants' invention, and does not teach all the elements of Applicants' claimed invention. For at least the foregoing reasons, Applicants submit that Adobe-Dynamic-Media-Group is inadequate to support a 35 U.S.C. § 102(b) rejection, and that claim 1 is, therefore, allowable.

Claims 4-7 and 15

Claims 4-7 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Adobe-Dynamic-Media-Group. Claims 4-7 and 15 depend from independent claim 1, and Applicant submits that in light of the arguments above regarding claim 1, dependent claims 4-7 and 15 are allowable.

Claims 3, 8, and 12-14

Claims 3, 8, and 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Adobe-Dynamic-Media-Group in view of Demos U.S. Patent No. 6,442,203. Claims 3 and 8 depend from independent claim 1, and Applicant submits that in light of the arguments above regarding claim 1, dependent claims 3, 8, and 12-14 are allowable.

Claim 2

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Adobe-Dynamic-Media-Group in view of Demos U.S. Patent No. 6,442,203. Claim 2 is a method claim that contains all the elements of independent claim1 plus additional elements. As set forth in Applicants' discussion of claim 1, Adobe-Dynamics-Media-Group does not show these elements arranged in the same manner as the claim, and it does not enable one of ordinary skill in the art to practice Applicants' invention as embodied in the claim. The Demos patent cited by the Examiner does not cure these deficiencies, and claim 2 is, therefore, allowable for at least the same reasons that claim 1 is allowable.

Claims 9-11

Claims 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Adobe-Dynamic-Media-Group in view of Demos U.S. Patent No. 6,442,203. Claims 9-11 depend from independent claim 2, and Applicant submits that in light of the arguments above regarding claim 2, dependent claims 9-11 are allowable.

Claim 19

Claim 19 is rejected under 35 U.S.C. § 102(b) as being unpatentable over Adobe-Dynamic-Media-Group. In the office action dated April 22, 2005, Examiner asserts that "claim 19 encompasses the same scope of invention as that of claim 1" and "is subject to the same rationale of rejection set forth in claim 1." As with claim 1, Examiner takes random and unrelated sections of Adobe-Dynamic-Media-Group and pieces them together in an attempt to read them on Applicants' claim 19. Claim 19 contains the following element:

> A computer terminal defining the number of pixels contained in each frame of full frames that are rendered at a whole number multiple of a digital video resolution value and that are rendered at a whole number multiple of a temporal resolution value defining the rate of display of full frames

Adobe-Dynamic-Media-Group does not teach rendering "at a whole number multiple of a digital video resolution value" and does not teach rendering "at a whole number multiple of a temporal resolution," and it does not teach using these two aspects of the claim in the same system as applicants have claimed. As with claim 1, Adobe-Dynamic-Media-Group in fact teaches away from using these two techniques in the same system. "These simple compression schemes won't work, however, if we want our video to be displayed on a television monitor at full resolution and frame-rate. What we need is

another way of approaching the compression problem. . ." (Adobe-Dynamic-Media-Group, page 7). Given that it states these two techniques "won't work," Adobe-Dynamic-Media-Group clearly does not enable one of ordinary skill in the art to practice Applicants' claimed invention.

For at least the foregoing reasons, Applicants submit that Adobe-Dynamic-Media-Group is inadequate to support a 35 U.S.C. § 102(b) rejection, and that claim 19 is, therefore, allowable.

Claims 20-29

Claims 20-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Adobe-Dynamic-Media-Group in view of Demos U.S. Patent No. 6,442,203. Claims 20-29 depend from independent claim 19, and Applicant submits that in light of the arguments above regarding claim 19, dependent claims 20-29 are allowable.

Serial No. 09/895,768
Appeal Brief Under 37 CFR 41.37 Filed December 19, 2005
Advisory Action dated November 1, 2005

Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's decision rejecting claims 1-15 and 19-29 and direct the Examiner to pass the case to issue.

The Examiner is hereby authorized to charge the appeal brief fee of **$500.00** and any additional fees which may be necessary for consideration of this paper to Kenyon & Kenyon Deposit Account No. **11-0600.**

Respectfully submitted,

KENYON & KENYON

Date: December 19, 2005 By: _____
Jeffrey R. Joseph
(Reg. No. 54,204)

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APPENDIX

(Brief of Appellant Michael H. CHU, et al.
U.S. Patent Application Serial No. 09/895,768)

8. CLAIMS ON APPEAL

1. (Original) A method of converting animation into video with interlaced fields, the method comprising:

Rendering of full frames at a whole number multiple of a digital video resolution value defining the number of pixels contained in each frame and at a whole number multiple of a temporal resolution value defining the rate of display of full frames on a computer screen;

Resizing each full frame to produce a plurality of frames that are antialiased; and

Blending each consecutive frame.

2. (Original) A method of converting animation into video with interlaced fields, the method comprising:

Rendering of full frames at a whole number multiple of a digital video resolution value defining the number of pixels contained in each frame and at a whole number multiple of a temporal resolution value defining the rate of display of full frames on a computer screen;

Resizing each full frame to produce a plurality of frames that are antialiased;

Blending each consecutive frame;

Blending the colors and images depicted in pixels that are within a gaussian blur radius value of a center pixel, wherein the number of pixels blended is proportional to a gaussian blur radius;

Separating each frame into a first and second field, wherein the first field contains the even lines of a frame and the second field contains the odd lines of a frame; and

Alternately displaying the first and second fields of each frame, the first field of each frame with the second field of each frame.

3. (Original) The method of claim 1, wherein blending the colors and images depicted in pixels that are within a gaussian blur radius value of a center pixel is performed, wherein the number of pixels blended is proportional to a gaussian blur radius.

4. (Original) The method of claim 1, wherein separating each frame into a first and second field, the first field contains the even lines of a frame and the second field contains the odd lines of a frame.

5. (Original) The method of claim 1, wherein alternately displaying the first and second fields of each frame, the first field of each frame with the second field of each frame.

6. (Original) The method of claim 1, wherein resizing each full frame to produce antialiased frames is performed with bicubic interpolation.

7. (Original) The method of claim 1, wherein each pair of consecutive frames is blended by averaging corresponding pixel values of each frame.

8. (Original) The method of claim 1, wherein gaussian blurring of a non-zero pixel radius is performed that blends the colors and images depicted in pixels that are within a gaussian blur

radius value of a center pixel.

9. (Original) The method of claim 2, wherein resizing each full frame to produce antialiased frames is performed with bicubic interpolation.

10. (Original) The method of claim 2, wherein each pair of consecutive frames is blended by averaging corresponding pixel values of each frame.

11. (Original) The method of claim 2, wherein gaussian blurring of a non-zero pixel radius is performed that blends the colors and images depicted in pixels that are within a gaussian blur radius value of a center pixel.

12. (Original) The method of claim 3, wherein the gaussian blur pixel radius is 0.2.

13. (Original) The method of claim 3, wherein the gaussian blur pixel radius is greater than 0.2.

14. (Original) The method of claim 3, wherein the gaussian blur pixel radius is less than 0.2.

15. (Previously Presented) The method of claim 1, wherein said rendering step is implemented using commercial software.

16-18 (Cancelled)

19. (Previously Presented) A video conversion system, the system comprising:

A computer terminal defining the number of pixels contained in each frame of full frames that are rendered at a whole number multiple of a digital video resolution value and that are rendered at a whole number multiple of a temporal resolution value defining the rate of display of full frames; and

A computer screen attached to said terminal.

20. (Original) The system of claim 19, wherein each full frame is resized to produce antialiased frames.

21. (Original) The system of claim 20, wherein the colors and images depicted in pixels located at identically numbered pixel points in each frame are blended together.

22. (Original) The system of claim 21, wherein each frame is separated into a first and second field.

23. (Original) The system of claim 22, wherein the first field contains the even lines of a frame and the second field contains the odd lines of a frame.

24. (Original) The system of claim 23, wherein the first and second fields of each frame are interlaced and displayed alternately.

25. (Original) The system of claim 24, wherein each full frame is resized to produce antialiased frames using bicubic interpolation.

26. (Original) The system of claim 25, wherein each pair of consecutive frames is blended by averaging corresponding pixel values of each frame.

27. (Original) The system of claim 26, wherein gaussian blurring is performed that blends the colors and images depicted in pixels that are in proximity to one another in each frame.

28. (Original) The system of claim 27, wherein the gaussian blur pixel radius is 0.2.

29. (Original) The system of claim 28, wherein the gaussian blur pixel radius is greater than 0.2.

9. EVIDENCE APPENDIX

No further evidence has been submitted with this Appeal Brief.

10. RELATED PROCEEDINGS APPENDIX

Per Section 2 above, there are no related proceedings to the present Appeal.